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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,863	07/13/2001	Kai Sjoblom	P 281544	9638
909	7590	01/26/2005	2990051US/HS/HER	
PILLSBURY WINTHROP, LLP			EXAMINER	
P.O. BOX 10500			LEE, ANDREW CHUNG CHEUNG	
MCLEAN, VA 22102			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/903,863

Applicant(s)

SJOBLOM, KAI

Examiner

Andrew C Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/12/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 1, the reference element "116". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: page 6, the reference elements "114" in lines 7, 15, 16 and 26, respectively. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version

of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Regarding Fig. 3, page 7, the reference elements "It is assumed that after step 305 a positive acknowledgement (response) is received. If not, then the steps 303 to 305 are repeated until a positive response is received". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The disclosure is objected to because of the following informalities:
- The Office would request the Applicant to provide clarification of page 5, line 2, the reference term " in step 101, the node sends a packet P1 to an entity 1. The "node" is referred to which node. It is ambiguous. It needs to be more specified. "an Entity 1" is referred to which "entity 1". The disclosure is not clearly described and indicated.
  - The Office would request the Applicant to provide clarification on the packet P1 format before IPD is added and after IPD is added. How is the packet P1 sequence number related to IPD and what is the main function on the sending and receiving nodes?
  - Page 6, what is "test packet"? what is the "test packet " format ?
- Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Riley et al. (U.S. Patent No. 5856972).

Regarding claims 1, 9, 10, 11, 17, 21, 22, Riley et al. discloses the limitation of a method in a telecommunications system where a sending entity may send units to a first receiving entity (column 1, lines 14 – 15), the method comprising the steps of: sending a unit to the first receiving entity (column 1, lines 49 – 51); receiving no response from said first receiving entity (column 1, lines 26 – 28); and indicating a possible duplication of said unit when resending it (column 1, lines 63 – 65).

Regarding claims 2, 12, Riley et al. discloses the limitation of the method of claim, further comprising the step of also indicating the sending entity when indicating said possible duplication (column 1, lines 63 – 65).

Regarding claims 3, 13, Riley et al. discloses the limitation of the method of claim wherein the possible duplicate is indicated in the unit when resending said unit to the second receiving entity (Fig. 2, element 262; column 6, lines 43 – 50).

Regarding claims 4, 14, Riley et al. discloses the limitation of the method of claim, further comprising the steps of: noticing that the first receiving entity is operating (column 5, lines 66 – 67; column 6, lines 1 – 6); checking whether the first receiving entity received said unit (column 6, lines 38 – 39); and sending a release message to

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the second receiving entity when said unit was not received in the first receiving entity (column 11, lines 1 – 2); or sending a cancel message to the second receiving entity when said unit was received in the first receiving entity (column 10, lines 55 – 58).

Regarding claim 5, Riley et al. discloses the limitation of The method of claim, further comprising the steps of: noticing that the first receiving entity is operating (column 9, lines 7 – 11); checking whether the first receiving entity received said unit by resending said unit (column 9, lines 12 – 14); and sending a release message or a cancel message to the second receiving entity when said unit was not received in the first receiving entity (column 11, lines 1 – 2); or sending a cancel message to the second receiving entity when said unit was received in the first receiving entity (column 10, lines 55 – 58).

Regarding claims 6, 15, Riley et al. discloses the limitation of the method of claim, further comprising the steps of: receiving said unit in the second receiving entity (Fig. 2, element 262); storing said unit in response to said indication (column 9, lines 7 – 11); and sending said unit in response to said release message from the second receiving entity towards its destiny (column 9, lines 62 – 67; column 10, lines 5 – 8); or deleting said unit in response to said cancel message (column 10, lines 57 – 58).

Regarding claims 7, 16, 18, 19, Riley et al. discloses the limitation of the method of claim, further comprising the steps of: receiving said unit in its end system (Fig. 7,

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column 9, lines 39 – 43); checking only in response to said indication whether the unit is a duplicate (column 9, lines 62 – 67).

Regarding claim 8, Riley et al. discloses the limitation of the method of claim, further comprising the step of indicating the possible duplication by adding said indication to the unit before resending it (column 9, lines 16 – 18; column 10, lines 5 – 8).

Regarding claim 20, Riley et al. discloses the limitation of the network node of claim 19 being further arranged to have a priority list of entities to which it may send units and to send the unit to the entity having the next lowest priority (column 7, lines 40 – 48; column 8, lines 48 – 51).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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17 Jan 2005

  
**Ajit Patel**  
**Primary Examiner**